

REMARKS

Claims 1-5 and 7-16 are pending herein.

By this Amendment, the specification, claims and Figures are amended. Specifically, Fig. 13 and the specification are amended to overcome the objections to the drawings made by the Patent Office. Claims 1, 5 and 16 are amended to cure informalities and to more clearly claim the subject matter therein.

No new matter is added by this Amendment. Support for the amendments to the claims is found in the original specification and claims. In particular, support for the language added to claims 5 and 16 is found in the specification at, for example, page 15, line 36 to page 16, line 3.

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Culbreth in the August 24, 2004 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 7-15 are allowed.

Applicants further note with appreciation that claims 1 and 16 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome. Because the rejection is overcome for the reasons described below, claims 1 and 16 are in condition for allowance.

Applicants further note with appreciation that claims 2-5 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome and if these claims were combined with the respective base claims and any intervening claims.

Applicants further note with appreciation that claim 16 would be allowable if the objection is overcome. Because the objection is overcome for the reasons described below, claim 16 is in condition for allowance.

Finally, Applicants note with appreciation that claim 5 would be allowable if the objection to claim 5 was overcome and claim 5 was combined with its base claim and any intervening claim.

II. Drawings

The drawings were objected to because of alleged informalities. In particular, Fig. 6 was objected to because, in contrast to the specification at page 14, parts 50 and 51 allegedly do not engage parts 55 and 56 of Fig. 6. The drawings were further objected to because reference numeral 126, as described on page 21, line 19 of the specification, does not refer to a pulley in Fig. 13.

With respect to Fig. 6, Applicants herein amend the specification at page 14 to recite that the forward intermediate gears 55 and 56 are fixedly mounted on a right end part of the first intermediate shaft 41 and are engaged with the forward high-speed gear 50 and the forward low-speed gear 51, respectively. A first intermediate gear 57 is fixedly mounted on the left end part of the first intermediate shaft 41. Further, as described in the Amendment filed on February 6, 2004, Fig. 6 is a sectional development of a gear transmission mechanism on a plane including the center axis of shafts wherein the position of the shafts and the gears

mounted thereon are intentionally displaced from their actual positions to clearly illustrate the shaft and gears. Thus, as disclosed at page 14 of the specification, parts 50 and 51 engage parts 55 and 56.

Further, in an effort to more clearly show the intermediate gears 55 and 56, as suggested by Examiner Culbreth during the August 24, 2004 interview, Applicants further amend the specification at page 14 to include that a reference to Figure 15. Specifically, the specification is amended to further recite to see the forward high-speed gear 167 and the forward low-speed gear 168 of Figure 15 as a comparison for the location of the forward high-speed gear 50 and the forward low-speed gear 51.

Applicants submit the objection with respect to Fig. 6 has been overcome.

With respect to Fig. 13, Applicants herein amend Fig. 13 to remove the reference numeral 126. Applicants further amend the specification to indicate that the drive pulley 126 is shown in Fig. 11. Applicants submit the objections by the Patent Office have been overcome.

Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

III. Objections

Claims 5 and 16 were objected to under 37 C.F.R. §1.75(a), as allegedly being indefinite. Specifically, the Patent Office alleges that the recitation of the shifting lever supported in a spherical bearing mechanism in claims 5 and 16 appears to be inaccurate. More specifically, the Patent Office alleges that the shifting lever 15 in Figs. 4 and 5 is not supported in a spherical bearing mechanism (77), and the spherical mechanism is actually at 75, at the end of the connecting rod 20. Applicants respectfully disagree.

As indicated in the specification at page 15, line 36 to page 16, line 3, the shifting lever 15 has a lower end part supported for turning by a spherical support device (pillow ball

joint) 76 on a u-shaped bracket 77 opening rearward and fastened to a right frame 78 of the body of the all-terrain vehicle. Thus, contrary to the assertion made by the Patent Office, the shifting lever is supported for turning by a spherical bearing mechanism (i.e., 76), as recited in each of amended claims 5 and 16.

Thus, Applicants submit that the objection to claims 5 and 16 has been overcome.

IV. Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-5 and 16 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Patent Office alleges that in claim 1 the recitation "in a right-and-left direction" of a rear end part of the engine appears to be inaccurate. To this end, Applicants herein amend claim 1 to remove the terms "in a right-and-left direction."

With respect to claim 16, the Patent Office alleges that the recitation "rotating the shifting lever at a positions corresponding to" is grammatically incorrect. To this end, Applicants herein amend claim 16 at line 18 to replace the word "positions" with "position."

Applicants submit that the rejections under 35 U.S.C. §112, second paragraph, have been overcome. Reconsideration and withdrawal of the rejection are thus respectfully requested.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-5 and 7-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:LMS/jth

Attachment:
Replacement Sheet

Date: August 26, 2004

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